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Counsel for Defendant MILLER

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JAY MILLER,  
  
Defendant.

No. CR 07-00638 DLJ

**STIPULATION AND ORDER  
TERMINATING SUPERVISED  
RELEASE**

**STIPULATION**

The government and Jay Miller, through their respective counsel, Stephen Corrigan and Joyce Leavitt, hereby stipulate that the Court may immediately terminate Jay Miller's term of supervised release, pursuant to 18 U.S.C. § 3583(e)(1). Mr. Miller is requesting early termination to visit his father who recently had major cardiac surgery and is in poor health. The United States Probation Office in the Southern District of Florida (where Mr. Miller's father lives) told United States Probation Officer Mark Messner that they will not allow Mr. Miller to travel to their district while on federal supervision because he has a 1994 offense which requires that he register as a sex offender.

Mr. Miller pled guilty on November 16, 2007, to interstate transportation of stolen goods, in violation of 18 USC §2314. On March 7, 2008, he was sentenced to 18 months in custody, 3 years

1 of supervised release and \$15,295 in restitution. Mr. Miller has been on supervised release for two  
 2 years. He has abided by all of his conditions of supervision, including payment of the \$15,295  
 3 restitution, \$100 special assessment, completion of mental health counseling and completion of drug  
 4 treatment. Mr. Miller has been working since his release. He has had no violations.

5 Defense counsel has spoken with United States Probation Officer Mark Messner, who is Mr.  
 6 Miller's supervising probation officer. USPO Messner indicated that, as a matter of policy, his  
 7 office is unwilling to recommend early termination for a defendant with a prior offense requiring  
 8 him to register as a sex offender. However, USPO Messner stated that he spoke personally with the  
 9 USPO in the Southern District of Florida who denied his request that Mr. Miller be allowed to visit  
 10 his sick father while on federal supervision. Mr. Messner also confirmed that Mr. Miller has been  
 11 extremely compliant while on supervision, started his own business, and appears to be doing very  
 12 well.

13 For these reasons, the parties stipulate that the Court may terminate Mr. Miller's term of  
 14 supervised release effective immediately in accordance with 18 U.S.C. §3583(e)(1).

15 DATED: November 16, 2010

\_\_\_\_\_/s/  
 16 JOYCE LEAVITT  
 Assistant Federal Public Defender

17 DATED: November 16, 2010

\_\_\_\_\_/s/  
 18 STEPHEN CORRIGAN  
 Assistant United States Attorney


19 I hereby attest that I have on file all holographed signatures for any signatures indicated by a  
 20 conformed signature (/s/) within this e-filed document.

**ORDER**

21 GOOD CAUSE APPEARING, IT IS ORDERED that Jay Miller's term of supervised release is  
 22 hereby terminated effective immediately, pursuant to 18 U.S.C. § 3583(e)(1).

23 SO ORDERED.

24 DATED: November 19, 2010

  
 25 D. LOWELL JENSEN  
 26 United States District Judge